

APPEAL NO. 040115
FILED MARCH 1, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 10, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____, and that the claimant has not had disability resulting from the claimed injury of _____. The claimant appeals, contending that the hearing officer's decision on the disputed issues is against the great weight and preponderance of the evidence. The respondent (self-insured) asserts that sufficient evidence supports the hearing officer's decision.

DECISION

Affirmed as reformed herein.

The hearing officer's findings of fact and conclusions of law all reflect the correct claimed date of injury, _____. However, the decision section references a claimed date of injury of October 23, 2001. Accordingly, we reform the decision to reflect that the claimant did not sustain a compensable injury on _____, and did not have disability from the claimed injury.

The claimant contends that her preexisting right carpal tunnel syndrome was aggravated in a specific incident when she lifted a box of merchandise at work on _____. The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10) and that she had disability as defined by Section 401.011(16). A compensable injury includes a work-related aggravation of a preexisting condition or injury that causes damage or harm to the physical structure of the employee's body. See Peterson v. Continental Casualty Company, (Tex. App.-Houston [1st Dist.] 1999, no pet.). In this case, there was conflicting evidence presented on the disputed issue of whether the claimant sustained a compensable injury as claimed. The hearing officer is the sole judge of the weight and credibility of the evidence. As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence, we conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

As reformed herein, we affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, COMMODORE 1, SUITE 750
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge